



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,235	01/20/2004	Byoung-Chul Kim	P57009	7206
8439 7590 08/24/2009 ROBERT E. BUSHNELL & LAW FIRM 2029 K STREET NW SUITE 600 WASHINGTON, DC 20006-1004			EXAMINER SHIN, KYUNG H	
			ART UNIT 2443	PAPER NUMBER
			MAIL DATE 08/24/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/759,235

Applicant(s)

KIM ET AL.

Examiner

Kyung Hye Shin

Art Unit

2443

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 August 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
 Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Tonia LM Dollinger/
 Supervisory Patent Examiner, Art Unit 2443

Kyung Hye Shin
 Examiner
 Art Unit: 2443

Continuation of 11, does NOT place the application in condition for allowance because: Examiner Position:

The arguments were not persuasive in overcoming the currently rejected claims.

Response to Remarks

1. The indicated portion is not used as a rejection for any claim limitation. (Remarks Pages 9-10) Applicant is indicating the motivation for the 103 combination. Achieved advantage is a valid motivation for the combination of prior art references. The combination of each referenced prior art combination states a motivation for the combination, which translates to an achieved advantage for the combination.
2. Claim 1 indicates: "the switching module disposes to share in real time routing information ...". Applicant indicates on page 12 of Remarks that the Examiner alleges "routing information to be shared" and that the claim language was misread. The Examiner is unclear since the claim limitation seems to indicate that routing information is shared. It appears that the claimed invention indicates that each routing node shares routing information with others of the routing nodes. Civanlar discloses that routing information is forwarded. This forwarding is equivalent to sharing the routing information between the other routers. The routing information is shared in real time.
3. Civanlar indicated that each port is equivalent to a router. Civanlar discloses multiple routers. (Civanlar col. 2, lines 53-55: coupled to network nodes such as routers/switches in an overall network (plurality of routers); col 3, ll 37-41: any known types of routing protocols packets may be utilized (OSPF, BGP4))
Civanlar discloses a switching module. (Civanlar col 2, ll 41-44: switching fabric coupled with a plurality of intelligent router ports; col 4, ll 8-11: each router port performs functions of a conventional router)
4. There is no disclosure in the claimed invention for the "more enhanced embodiment" such as "multiplexors and/or demultiplexors" or "a reconfigurable partial and/or full mesh or direct or indirect connections between various intelligent router ports 103 and/or network of switches ..." argued by the Applicant. (see Remarks Page 11)
5. Civanlar does not does not criticize, discredit, or otherwise discourage the sharing of routing information between routing nodes. Therefore, Civanlar does not teach away from the sharing of routing information between routing nodes.
In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004)
6. Civanlar does not have a central processor. (Remarks Page 14) The specification discloses a distributed architecture. (Specification para 009, 010) Civanlar discloses a distributed architecture for the processing of routing information. (Civanlar col 1, ll 51-58)
7. Civanlar discloses that routing information is forwarded to all routers; therefore all routing information is available and shared by all routers. (Civanlar col. 3, lines 41-47: forwarding engine configured to forward new routing table configuration data to every other router port for updating database; information shared between routing entities)

Updated configuration or routing data (interpreted as modifications which can be interpreted as additions and deletions) is forwarded to all routers. (Civanlar col. 3, lines 41-47: forwarding engine configured to forward new routing table configuration data to every other router port for updating database; information transferred, available, or shared between routing entities)

Civanlar discloses the insertion or updating of new configuration or routing information into a routing table. And, Venkatachary discloses the searching of routing information within a tree data structure. Venkatachary discloses various aspects of searching a tree data structure as disclosed by the Office Action citations.

Venkatachary discloses searching a tree data structure of routing information and the switch pointer is utilized in searching of the tree data structure. Civanlar discloses updating or inserting routing information into a routing table. Venkatachary discloses restarting or resetting a search of routing information. (Venkatachary col. 16, lines 26-36: switch pointer; reset and restart search).

8-20-09 KHS